

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

GLENDA F. WRIGHT
Claimant

VS.

J. C. PENNEY CO., INC.
Respondent
Self-Insured

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Docket No. 1,003,851

ORDER NUNC PRO TUNC

Comes now the Workers Compensation Board (Board) in the above matter and issues the following Order Nunc Pro Tunc, amending the Order of the Board issued February 27, 2004.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award of Administrative Law Judge Robert H. Foerschler dated July 31, 2003, should be, and is hereby, modified to grant claimant an award for an 11 percent permanent partial general disability, followed by an award of 42.5 percent to the body as a whole for the injuries suffered in a series through March 14, 2002, and based upon an average weekly wage of \$532 per week base wage, with fringe benefits of \$59.29, totaling \$591.29.

AN AWARD OF COMPENSATION IS HEREBY MADE IN ACCORDANCE WITH THE ABOVE FINDINGS IN FAVOR of the claimant, Glenda F. Wright, and against the respondent, J.C. Penney Company, Inc., a self-insured, for an accidental injury which occurred on March 14, 2002, and based upon an average weekly wage of \$532 through October 31, 2002, and \$591.29 beginning November 1, 2002, for 12.57 weeks of temporary total disability compensation at the rate of \$354.68 per week totaling \$4,456.56, followed by 19.14 weeks of permanent partial disability compensation at the rate of \$354.68 per week totaling \$6,790.34 for an 11 percent permanent partial general disability, followed by 1.29 weeks of permanent partial disability compensation at the rate of \$354.68 per week representing the period from October 23, 2002, through October 31, 2002, totaling \$457.54, and 155.95 weeks permanent partial disability compensation at the rate

of \$394.21 per week beginning November 1, 2002, totaling \$61,477.05 for a 42.5 percent permanent partial general disability, for a total award of \$73,181.49.

As of February 19, 2004, claimant is entitled 12.57 weeks of temporary total disability compensation at the rate of \$354.68 per week totaling \$4,456.56, followed thereafter by 20.43 weeks of permanent partial disability compensation at the rate of \$354.68 per week totaling \$7,247.88, followed by 67.86 weeks of permanent partial disability compensation at the rate of \$394.21 per week totaling \$26,751.09, for a total due and owing of \$38,455.53, which is ordered paid in one lump sum minus any amounts previously paid. As of February 20, 2004, claimant is entitled to an additional 88.09 weeks permanent partial disability compensation at the rate of \$394.21 per week, for a total of \$34,725.96, until fully paid or further order of the Director.

In all other regards, the Award of the Administrative Law Judge is affirmed insofar as it does not contradict the findings and conclusions contained herein.

IT IS SO ORDERED.

Dated this ____ day of March 2004.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: C. Albert Herdoiza, Attorney for Claimant
Gary P. Kessler, Attorney for Claimant
William G. Belden, Attorney for Respondent
Robert H. Foerschler, Administrative Law Judge
Paula S. Greathouse, Workers Compensation Director